

Congress of the United States
Washington, DC 20515

June 18, 2020

The Honorable Donald J. Trump
President
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

Dear President Trump:

We are writing to express our opposition to your Executive Order signed on June 4, 2020 titled, "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities" (Order) and to request that you withdraw it immediately.

As our nation reels from unprecedented health and economic crises and social unrest, your Order would further endanger the very communities that have faced the greatest burdens of legacy environmental injustice and structural racism. These same communities are also hardest hit by the ongoing crises caused by COVID-19. Your Order seeks to circumvent three pillars that make up the backbone of American environmental policy - the National Environmental Protection Act (NEPA), Endangered Species Act (ESA) and Clean Water Act (CWA) - and are essential in protecting the health of the American public, which is deeply linked to the health of our lands, waters, and wildlife.

Infrastructure projects bring both benefits and burdens, and NEPA was crafted thoughtfully to minimize the burdens and maximize the benefits of such projects for the American public. It was created in response to projects that were not studied in advance and thereby caused substantial social, environmental, and economic harms, especially in communities of color.¹ Contrary to your assertion that NEPA is a barrier for infrastructure projects, requiring environmental review prior to construction ensures that government officials and the public know the potential harms associated with a proposed project, allowing for informed decision-making as well as the chance to develop effective design and operational mitigations. In short, NEPA and other protective federal statutes, such as CWA and ESA, improve governance and make infrastructure projects better.² Moreover, as many federal laws apply to infrastructure projects, NEPA helps bring order to the review and enforcement process. By disregarding the fundamental purpose, functions, and safeguards included in NEPA, you are

¹ Kevin DeGood, "Build First, Ask Questions Later: How Weakening Environmental Review Will Hurt Our Communities and Natural Habitats" (Washington: Center for American Progress, 2017), available at <https://cdn.americanprogress.org/content/uploads/2017/05/02070904/DeGood-BuildFirst-brief.pdf>; Kristina Costa, Lia Cattaneo, and Danielle Schultz, "When Communities Didn't Have a Say: How Federal Infrastructure Dollars Were Used to Bulldoze Communities of Color" (Washington: Center for American Progress, 2018), available at <https://cdn.americanprogress.org/content/uploads/2018/04/23082638/CostaEnvironmentalReview-brief-1.pdf>

² Kevin DeGood, Center for American Progress, "The Benefits of NEPA: How Environmental Review Empowers Communities and Produces Better Projects" (Washington: Center for American Progress, 2018), available at <https://www.americanprogress.org/issues/green/reports/2018/01/16/444899/benefits-nepa-environmental-review-empowers-communities-produces-better-projects/>

failing to uphold your duty to protect the American people and are ignoring the intent of and fundamental need for these policies.

NEPA statute designates that it is the federal government's duty to consider the environmental impact of proposed infrastructure projects on nearby communities. Frontline and fenceline communities – whose residents are disproportionately people of color - live near factories, powerplants, and roadways that regularly expose them to toxic pollution and cause outsized health risks, such as respiratory illness, heart disease, and cancer. Lauded as landmark environmental justice legislation, NEPA was created to give a voice to those who are often rendered voiceless and has successfully allowed impacted populations to challenge projects that negatively affect their water quality, air quality, economic prosperity, and overall health and safety.

The harm communities will experience from your Order circumventing NEPA is compounded with the Order's evading of the CWA and ESA. The CWA functions to ensure that the discharge of pollutants into the nation's waters remain within safe levels, and that infrastructure projects will not worsen water quality for vulnerable communities. The ESA is critical for preserving the sustainability of our ecosystems by ensuring that any negative impact of federal and private actions on threatened and endangered species and their habitats is minimized.

By seeking to circumvent these longstanding environmental laws, you are making clear that your priority is not to protect the American people. Your Order undermines our democracy by taking away the ability for public comment. Moreover, the nature and timing of your actions – the use of an Executive Order in the midst of multiple national crises – further undermines public participation in the policymaking process and can only be viewed as an intentional act to prevent public input into this drastic and hasty decision.

As such we urge you to withdraw your Executive Order immediately. Given the urgency of this request, we ask that you provide our offices with a response within 24 hours.

Sincerely,



Pramila Jayapal
Member of Congress



A. Donald McEachin
Member of Congress



Nanette Diaz Barragán
Member of Congress



Mike Levin
Member of Congress



Lisa Blunt Rochester
Member of Congress



Katie Porter
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